To the Senate and House of Representatives: Section 25 of article II. of the Constitution of Kansas requires the Legislature to "provide for taking an enumeration of the inhabitants of the State at least once in ten years," and specifies that "the first enumeration shall be taken in 1865." Section 2 of article X, of the Constitution declares that "it shall be the duty of the first Legislature to make an apportionment, based upon the census ordered by the last legislative assembly of the Territory;" and "that a new ap-portionment shall be made in 1866, and every five years thereafter, based on the census of

Fe preceding year.

The enumeration of the inhabitants of the State, as required by the Constitution, has been made, under the direction of the Secretary of the State Board of Agriculture, and the result of this enumeration are communi-cated in the report of that officer, herewith transmitted. Upon this census the appor-tionment which the Constitut on requires the Legislature to make during the year 1885 must be based. THE STATE REFORM SCHOOL.

The act making appropriations for the current expenses of the State Reform School for the fiscal years ending June 30, 1886, and June 30, 1887, was not presented to me for approval until after the adjournment of the legislative session of 1885, and consequently did not become a law. The amounts approprinted by this act for the current fiscal year were: For salaries and wages of officers and employes, \$7.810; and for care and main-tenance, \$12,190, making a total of \$20,000. A very curious responsibility was devolved upon the State officers by the failure of this appropriation bill, viz.: The alternative of closing the Reform School or of negotiating loans, on their personal responsibility, for paying the current expenses of the institu-tion. The Executive Council, after full consideration, decided to adopt the last men-tioned alternative. Arrangements were, therefore, made with a bank in the city for furnishing the money necessary to keep the Reform School in operation, and a note covering the amount of the expenses was executed each month, the State officers becoming individually responsible for the payment of these notes, which bear interest at the rate of nine per cent per annum. The Board of Trustees of the State Charitable Institutions was notified that the expenditures for the reform school should not exceed the amount voted by the Legis-lature in the act which failed to reach me in

formed its requisitions to this direction. THE BUREAU OF LABOR.

Chapter 188, session laws of 1885, created a "Bureau of Labor and Industrial Statistics," defined its duties and powers and authorized the Executive to appoint some suitable per-son, identified with the labor interests of the State as "Commissioner of Labor Statistics." The salary and allowances of the Commis-sioner were fixed in the act authorizing his appointment, but no appropriation was made for their payment.

time to receive my approval, and has con-

Under the authority conferred , by this act. I appointed Frank H Betton, of Wyandotte County, as Commissioner of Labor Statistics He accepted this appointment in April last, and has been since that time discharging the duties devolved upon him by law. His first report is berewith transmitted. Provision for the payment of his salary and allowances

hould be made at the present session. Fifteen States have established bureaus of labor, charged with the duty of collecting statistics and facts relating to the commercial, industrial, social, educational and sani-tary condition of the laboring classes. Such information, accurately and intelligently compiled, can not fail to be of value to the law-making power. The practical experience of other States has approved these departments, and I have no doubt that in Kansas the work of the "Bureau of Laborand Indus-trial Statistics" will justify the wisdom and

tion? of said act provides that the Secretary of the State Board of Health "shall receive such compensation as may be allowed by the State Board of Health and approved by the

Other sections of this act devolve upon the State and local boards certain official duties. and section H requires the State Board to make an annual report, which "shall contain a detailed account of the money paid out by or on account of said board, and a detailed statement of the manner of its expenditure during the year past, but the amount so paid out shall not aggregate a sum exceeding #5,000 in any year." The State Board has fixed the salary of the Secretary at \$2.500 per annum, and I have in accordance with the provisions of the act above quoted approved its action. No appropriation, however, was made by the Legislature for the payment of the salary of the Secretary or the expenditures the State floard is, by law, nutborized I'The Governor makes reference to the con fused condition of courts in several newly organized counties.]

NEW COUNTIES ORGANIZED. All the requirements of the law providing for the organization of new counties having cen complied with, I issued on the 27th of February last, an executive proclamation organizing the county of Comanche. Simifar proclamation was made on the 5th of May, organizing Clark County; on the 8th of October, organizing Thomas County; and on the 4th of November, organizing Meade County. The population of these counties, as reported by the census takers, was: Comanche, 2,578; Clark, 2,082; Thomas, 1,916, and Meade, 3,507 - making a total of 10,144. It is reasonably certain that these four counties have at the present time an aggregate population of not less than 16.00. On December 21 last, a memorial in com-

pliance with the provisions of law having been presented, I appointed a census taker for Hamilton County. His return has not yet been made. Petitions for and remon-strances against the organization of Cheyenne County have also been received An appropriation for the payment of the census takers appointed for the counties of Clark, Thomas, Meade and Hamilton should

(Under the head of "Extradition" reference is made to the want of appropriations to pay for criminals arrested in other States, and that our laws should conform to the United States statutes.]

THE MISSOURI PACIFIC STRIKE. Shortly after the adjournment of the Legislature in March last a very serious difficulty arose between the Missouri Pacific Railway Company and certain of its employes, re suiting in the practical suspension of freight traffic on the lines of that great corporation in this and several other States. I was at hee called upon by several of the officers of the company and also by a few municipal officers to furnish a mil-itary force for service at points where the trouble was most serious. It seemed to me, however, that so grave an exercise of authority as that of ordering out the military forces of the State should not be resorted to. except in the most extreme emergency, and that it was my duty to first ascertain whether such an emergency existed. I therefore proceeded to Atchison, telegraphing to the Railroad Commissioners to meet me there and sent the Adjutant General to Parsons, the most serious complications being reported at these places. On our service at Atchison, we had coferences with the railroad officials and with committees representing the railroad employes, and became satis-fled that the latter had just grounds of com-They were orderly and peaceable in their behavior: they had resorted to no nets of violence; they declared that they did not disturb the peace, or violate any law; and they expressed an earnest desire to work, and remain the faithful employes of the company, if the wrongs of they complained were refacts to the general manager of the company, and earnestly urged the adoption of measures to remove all causes of discontent, suggesting that this might be accom-plished by arbitration. This suggestion was finally adopted, and the Railroad Commis-sioners and myself, together with several of the State officers of Missour, proceeded to St. Louis, where we had a full and frank conference with the chief officers of the Missour Pacific Railway Company. The officers of the two States presented at this conference a plan of settlement which fully recognized the grievances of the employes of the company and removed them, and the ra lway officials accepted and adopted this plan in all its de-tails. Within twenty-four hours thereafter business on the company's lines was fully resumed and has not since been obstructed. My experience in connection with this labor trouble, and the investigation I have since given the subject, convinces me that provision should be made by law for the set-tlement of such difficulties by arbitration. In this case, on the one hand, the chief officers of the company denied responsibility for wares of wh ployes complained, and expressed their willingness to bear, discuss and adjust, at any time, any real grievances of their employes. On the other hand, I found the employes of the company irritated almost as much by the belief that there was no authority to which they could safely appeal for a redress of grievances, as they were by their sense of wrong. They therefore adopted the only course to secure redress that seemed open to them, viz.: a "strike." They recognized fully the losses this involved, to themselves, to the company, and to the public, but they pleaded, in extenuation of their action, that by no other means could they obtain a fair hearing and a just settlement of their complaints.

These men were intelligent, industrious, skillful mechanics, and thoughtful, sober, law-respecting citizens. They discussed their

grievances and action candidly and clearly, and I was impressed with the fairness of their statement and the justice of their con clusions. They deplored a "strike," and the fact that a strike seemed to be the only method of redress open to them intensified their sense of the wrongs they complained

of.

I carnestly recommend the passage of a law providing regulations to govern the ar-

bitration of disputes between employer and employed. Pennsylvania has enacted such a law, and it has fully demonstrated its useful-ness in effecting an amicable adjustment of labor troubles and in preventing "strikes." In England and France arbitration has been attended with many happy results in adjust-ing serious complications. And it is, in my opinion, vitally important to the peace and order of civil society, as well as io the happi-ness and prosperity alike of employers and employed, that American workingmen shall be enabled to submit their grievances, real or fancled, to the decision of an intelligent and impartial tribunal, which will carefully investigate the facts and pronounce judg

This is especially true of disputes arising between railroad and other great corpora-tions and their armies of employes. And it seems to me that the State which interposes its undoubted authority to regulate freights and fares, to locate depots, switches and side tracks, and to compel corporations to pro-vide adequate safeguards for the protection of animals, has ample power to provide for the arbitration of differences between corporations and their employes, where such differences may not only disturb the peace of the State and interrupt its commerce, but affect the well being and happiness of thou-sands of its citizens. (The 20th of May is recommended to be declared a legal holiday. The outbreak of eleuro-pneumonia and hog cholera is reviewed and the attention of the Legislature called

to the subject ] THE STATE MILITIA. Application has been made for the enrollment of companies of colored citizens 25 a portion of the militia of the State. But sec-tion 1 of article VIII of the Constitution provides that "the militia shall be composed of able bodied white male citizens." This limitation is not in accordance with the spirit and genius of our institutions and should be stricken from our organic law. During the war of the rebellion colored men de strated their patriotism, courage and endorance on dozens of desperate battle fields. They possess and exercise all other privileges of citizenship. By their votes they as-sist in making our laws, and it should not be their right alone, but their duty to bear arms in any emergency calling for military force to vindicate the supremacy of law and the integrity of popular government. At present the colored citizens of this State are

really a privileged class, endowed with the

responsibility resting on all other able bodied

voters to sustain at any peril the constituted authority and laws of the land.

GENERAL LEGISLATION DESIRED.

sovereignty of voters, but exempt from the

These are subjects demanding immediate legislative action, for the consideration of which I have convened your honorable body in special session. Perhaps the interests of many communities demand the enactment, at this time, of laws having a local scope: and it may be that practical experience has suggested needed changes in, or modifica-tions of a few general laws. But, in my judgment, the interests of the State do not femand, and public sentiment will not approve, many changes in our statutory laws at this session. In adopting the constitutional amendment for biennial meetings of the Legislature, the people of Kaosas gave emphatic expression to their preference for greater permanence and stability in stat-utory enactments. Frequent changes in the laws not only confuse the public mind, but inspire a lack of respect for law. And this is especially true when such changes affect the general course of procedure in courts, or establish new prin ples or methods which necessarily have to settled by a line of judic al interpretations and decisions. Pending these, uncertainty is created, the administration of justice is elayed and public sentiment is demoralized. The American people are law respecting and inw-obeying, and when the courts have fully and fairly defined the directions and limita-tions of any law, and the methods of its enforcement, they quickly adjust themselves to its requirements. But if laws are subject to frequent and whims cal modifications and changes, the public understanding of their policy and scope is confused and uncertain. and public respect for their requirements is vitinted. I have, therefore, no recommendathe work of the "Bureau of Labor and Industrial Statistics" will justify the wisdom and expediency of its creation.

STATE BOARD OF HEALTH.

Chapter 122, session laws of 1835, creates a State and Local Board of Health, and defines the duties and authority of said boards. Section 2 of said and services that you alone must decide whether any real than you alone must decide necessity exists for general legislation at this session. You come direct from the homes of the people and should understand their wishes. And, if you decide to engage in general legislation at this session. I wish to renew the recommendations made in my first essage, touching municipal debt and taxaon, the assessment and equalization of roperty values, the State school lands, the ecretary of the State charitable institutions, the stepulations and conditions of insurance policies, the revision and codifications of our laws, capital punishment, rates of interest, improvements by occupying claimants, and the registry law. My observation and experience since assuming the duties of the executive office have only confirmed and strengthened the views I have expressed on these questions, none of which were made the subject of legislative action at your last

session.
PRICE RAID AND OTHER CLAIMS. The Price Raid Commission and the Commission "relating to the invasion of guerillas and marauders" will submit for your considerations. eration such reports as they are able to preent. I reiterate the opinion expressed in my former message to your honorable body, that the State is morally bound to make good the amount of \$21,872.28, which, as trustee for certain Price raid claimants, it received from the United States in 1872, and which the then were rejected by the United States Commis-

In this connection I respectfully suggest to the Legislature that it is not just to devolve upon the State officers or any number of them he labor and responsibility of auditing such claims as those growing out of the Price and Quantrill raids. In 1898 a joint committee of the Senate and House of Representatives, ap-pointed to investigate the action of several mutssions to audit the Price raid claims, submitted a report in which it was said:
"No greater mistake could be made in the udgment of your committee, than to have state officers compose this board of exam iners, either in whole or in part. It would e unjust to impose extra duties, not required by law or expediency, without pay, and, if they are to be paid, other citizens can better attend to the discharge of such diffienit labors without detriment to the public

This opinion, expressed in 1868, has far more weight at the present time. The population of the State at that time did not exceed 300,000; it is now fully 1,350,000. The labors of every department of the State Government have been increased fully four-fold, and the State officers can not possibly flud time for the proper discharge of such delicate, laborious and responsible duties as are involved in the examination of claims of this character, aggregating millions of dollars. To fairly and justly audit, class fy and support by proper evi-dence such a mass of claims as are now on file, and to review and systematize the awards made by the numerous commissions of the past twenty years, would require mouths of patient, panstaking work, involving a vast amount of clerical labor. And this work it is impossible for the State officers, with due regard for their other duties, to properly per-

THE INDIAN TROUBLES REVIEWED About the middle of June last, very alarmng reports were widely published, in the cerning the turbulent and threatening spirit manifested by the Cheyenne Indians, whose reservation in the Indian Territory is only a short distance south of our southwestern border. On June 25 1 addressed a letter to the Secretary of War, calling his attention to these reports, and requesting him to adopt measures for protecting our borders against the possibility of an Indian raid. Dispatches were at the same time sent to the General commanding this military division, requesting him to station an adequate cavalry force at some point on the southern line of Kansas. On July 1, receiving a dispatch calling for arms and ammunition, and stating that the settlers in Southwestern Kansas were greatly alarmed. I again called the attention of General commanding this military division to the reports received. In response General Augur, under date of July 2, advised me that an smple force had been, or soon would be, con-centrated in the Territory. In reply I urged that so long as the Cheyennes were well sup-plied with arms and ammunition they would continue to be a standing menace to the peace and safety of the people of Southwest ern Kansas, and suggested that they be dis-

Alarming reports continued to be received and on the evening of July 7 the Sheriff of Kingman County telegraphed me that people were pouring into the town of Kingman from the western part of that county and from Pratt County seeking safety from the Indians, and that reliable parties from Pratt County had brought reports from the south to the effect that Indians had invaded the State, were burning everything in their path-way and had killed several people. Similar available soldier at once to the scene of the reported outbreak. All arms and ammunition in the State Armory were sent that night to exposed points. General Augur promptly responded to my request, and two battalious of United States troops, one from Fort Levenworth and one from Fort Riley were will commend itself. Her bounty could Taylorge C. Taylorge of United States troops, one from Fort Leavenworth and one from Fort Riley, were started next morning for the Southwest. They took post near Kiewa, in Barber County, and at the crossing of the Cimmaron, further west, where they remained several

The reports of an Indian invasion proved to be without foundation. This fact was as-certained on the 8th, and made public. But the wide-spread alarm and pan'e created by the sensational stories of an Indian raid. caused thousands of peaceful, industrious people to abandon their homes, their crops and stock, and fly to the nearest towns for [The Governor recommends the establishment of Federal military posts at exposec points to prevent a recurrence of the alarm.]

FINANCIAL.

gating \$332,308.18, appropriated by Congress
"for reimbursement to certain States and
Territories for expenses in repelling invasions and suppressing Indian hostilities." In transmitting this money, Governor Crawford informed me that the appropriation by Congress did not include payment for any of the Price raid claims. On receiving these drafts I delivered them to the State Treasurer, taking his receipt therefor. Chapter 10), laws of 1881, enacts "that upon the receipt of any money by the State Tressurer from the United States, in payment of the claims of the State, for which bonds have been lasued, it shall be the duty of the State Treasurer to place the amount or amounts so received to the credit of the sinking fund, for the final redemption of the State bonds so issued, save and except such sum as may be appropriated for the payment of Price-raid claims." As no portion of the \$32,38.13 so received was "appropriated for the payment of Price-raid claims," the State Treasurer placed \$282,560, covering the bonds issued nuder the provisions of chapter 70, laws of 1878, chapter 54, laws of 1878. laws of 1865, chapter 64, laws of 1868, chapters 6, 7 and 9, laws of 1869, and chapter 113, laws of 1875, to "the credit of the sinking fund. The balance of the amount, \$49,-80813, was placed in the general revenue fund. It was known prior to the adjourn-ment of your last session that Congress had appropriated the sum of \$332,308.13 to pay cer-

tain claims of the State, and in the estimates made of the amount of tax necessary to provide revenue for the fiscal years ending June 30, 1885, and June 30, 1887, this fact was consid ered, while the requirements of chapter 160, laws of 1881, seem to have been overlooked It will be necessary, therefore, to transfer the smount placed in the sinking fund, un-der the provisions of chapter 160, laws of 1881, to the general revenue fund. And in making this transfer I would recommend the repeal of the law referred to. Only \$23,000 of the oulstanding bonds of the State are now held by individuals or corporations, and \$17,000 of these, failing due in July next, are already provided for in the tax levies made The following statement shows the amount of State bonds outstanding, the years when the same mature, and the proportion held by tate funds or by individuals and corpora

YEAR.	eld by State Funds	eld by Indivi- duals or Cor- perations	otal Amount
1885. 1887. 1888. 1889. 1894. 1895. 1816. 1817. 1898.	\$ 15,000 30,000 87,000 12,500 36,500 38,000 156,000 154,000	32,690 115,66b	
Total	\$574,500	\$273,000	\$847,500

1 11 11 11

The \$17,000 of bonds maturing in 1886, and the \$15,500 maturing in 1887, are provided for by tax levies already made, leaving only \$815,000 unprovided for. Of these, only \$166, 000, all held by State funds, mature prior to

In view of the fact that the bonded debt of the State, unprovided for, aggregates only \$815,000 and that only \$250,000 of this amount s held by individuals and corporations, do not believe that it is wise or just to im pose upon the present generation of taxpayers the burden of paying our outstanding bonds on their maturity. This generation is bearing the heavy burdens of taxation bearing the heavy burdens of taxation necessary to erect all our public buildings, which will survive for centuries to come; we can readily refund all outstanding bonds, as they fall due, into new bonds, bearing interest at not to exceed 3½ or 4 per cent.; and it seems to me that it is neither wise nor just to compat the taxations of the restant to to compel the taxpayers of the present to assume, in addition to their other burdens, that of providing a sinking fund for the extinguishment of our State debt. We might take pride in saving that the State has no public debt, but it would be far better to be able to say that the taxes are not oppressive or burdensome to the people. The present is paying for public buildings the future will occupy, and the future should provide for the outstanding bonds as they mature. In this connection it is proper to direct your attention to the fact that the public revenue which will be raised under the reduced tax which will be raised the will, notwithstanding levies made last winter, will, notwithstanding the increasing valuation of the property the State, be very largely absorbed by the appropriations made at the same time for current expenses and public buildings. The demand for rgid economy at this session is, therefore, imperative. The tax levies al-ready made for the fiscal years ending June 30, 1886, and June 30, 1887, can not be, and ought not to be increased. Hence the expenditures directed at this session should be limited to the absolute requirements of public necessity.

The laws enacted at your first session coucerning mutual fire insurance companies took effect at a very recent date, and it is too early to form a definite opinion concerning their practical results. The law regulating mutual life or assessment companies has had the effect, the Superintendent of Insurance reports, of driving from the State a number of worthless organizations, managed by men whose sole object was to defraud the

It is also suggested that our laws in effect discreminate against and thus prevent the organization of fire insurance companies organized in Kansas and managed by our own citizens. An immense sum of money is sent out of the State each year in the form of premiums on fire insur-ance policies, and if laws can be devised which, while guaranteeing the prompt and certain payment of losses, will at the same time encourage and promote the organization of Kansas insurance companies, the result would be of public benefit.

BOARD OF RAIGROAD COMMISSIONERS. The report of the Board of Railroad Commiss oners embraces full and valuable statements and statistics concerning the trans-portation business of the State. The traffireturns of the different rashway companies show a very large increase in the volume of freight handled, as well as in the number of passengers carried. The total tonnage hauled one mile during the fiscal year ended June 30, 1885, exceeded that of the previous year 105,653, 933 tons, while the freight earnings for the fiscal year ended June 39, 1885, show a decrease, compared with the year 1884, of \$2,-181,73. The saving to the people of the State 31,763. The saving to the people of the State by the reductions in freight rates, secured chiefly by the Board of Kailroad Commissioners, aggregates for the fiscal year ended June 30, 1885, over \$2,000,000. The suggestions and recommendations embodied in the report of the Commissioners are worthy of TEMPERANCE LEGISLATION.

The general working of the amended pro-hibitory law of last winter has been favorable. Organized opposition to the law is fast disappearing, and the general and popular feeling is positively and decidedly in favor of obedience to the Constitution as amended.

Not only the Supreme Court, but all the
Judges of the District Courts of the State
and the Judge of the United States Court for this circuit are in favor of allowing the pro-ple of Kansas to regulate their own domestic affairs in their own way. Thus all agencies have worked together during the year in behalf of law, order and practical temperance. and Kansas has made a greater mo ress than in any other twelve months of her eventful and noble history. On January I, 1885, saloons were open in twenty or thirty towns and offices of the State. A year later the open saloon had been banished from every town and city of Kansas, with possibly two exceptions, and in these active and determined legal efforts for its suppres-

sion have been instituted.

There are some defects in the new law. The fees for I bate Judges for the duties they are called upon to perform should be specifically defined, and the power conferred upon these officers, to grant or refuse licenses to druggists, should be subject to review by the District Judges. The than once been intimated that jurisdiction authority as now vested in Probate in the Federal Courts of such proceedings, Judges, in this regard, is arbitrary, and may be abused, to the detriment of the public or of individual citizens. But the general and practical effect of the new law has been so favorable, and the result aimed at has been so nearly accomplished, that it would, in my judgment, be unwise to make any general or radical changes in its The Governor refers to the reports of the

several State institutions and gives some statistics. Of the 862 prisoners confined in the penitentiary on December 21 last, 800 were serving terms of imprisonment for their first offense, and 651 were under thirty years of age Of these 191 were from sixteen to twenty years of age: 277 were from twenty to twenty-five, and 186 from twenty-five to thirty years of age. Very nearly; threefourths of all the convicts in the State Penitentiary, it will thus be seen, are under thirty General Augur, urging him to send every dred of the test disposed among the younger prisoners now confined in the penitentiary under sentences for the milder types of be extended to no more deserving class; her beneficence could find no nobler scope for the exercise of its generous impulses, than will be effected by the establishment and maintenance of a home for the orphan and

posed of excellent material and many of whose officers are experienced soldiers.)
CONCLUSION.
In conclusion, I desire to express my appreciation of the uniform promptuess and courtesy with which my associates in the various departments of the State Government have responded to every request made for information or advice that would aid me in the discharge of my duties.

JOHN A. MARTIN,
Presentive Office, Topeka, Kan. Januari 19.

of the Kansas National Guard, which is com-

WALRUFF WINS.

Judge Brewer, of the United States Circuit Court, Delivers a Very Important Decision in the Walruff Case. TOPEKA, KAN., January 22.- The folof the United States Circuit Court, in the

case of the State vs. John Walruff, has been The facts upon which the foundation of the case rests are few and simple. Between 1879 and 1874, the defendant constructed a brewery in Lawrence, Kan. The buildings, machinery and fixtures were designed and adapted for the purpose of making beer and posting older. nothing else. For such purpose they are worth \$50,000; for any other purpose not to exceed \$5,600. At the time of the erection of the building and up to 1880, the making of beer was as legal, as free from tax, license or other restriction as the milling of flour. In that year a consututional amendment was adopted, probbiting the manufacture of beer except for medicinal, scientific and mechanical purposes. In 1881 and 1885 laws were enacted to carry this prohibition into effect. Under these laws a permit was essential for the manufacture for the excepted purposes. To the defendants this permit was refused. An injunction was thereupon sued out from the District Court enjoining defendants absolutely from the man-ufacture of beer. Thus, in strict conformity to the law of the State. the defendants are prohibited from using their property for the purposes for which alone it is designed, adapted and valuable and are required without compensation to surrender \$15,000 of the value which they had sequired under every solemn, unimited guarantee of protection to property which the constitutional declaration and un-derlying thought of just and stable government could give. The action in which this in-junction was granted they now seek to remove to this court and insist that no matier what the 8 ate may think or do, the fourteenth amendment to the Federal Constitu tion does give protection, or, at least, that they are entitled to the opinion and judgment of the Federal Courts upon the ques-tion, whether that portion of the fourteenth amendment, which forbids a State to deprive any person of life, liberty or property, without due process of law, and to deny to any person within its jurisdiction the equal proto the opinion of my superior, the Supreme Court of the United States, for information and guidance.
[After quoting at length from the opinions of Justices Miller, Bradley and Field, and the

Massachusetts Court, Judge Brewer con-

The light of this declaration of the Supreme Court, that when a men owns, with the unrestricted right to use or sell a glass of liquor, mere personal property, which without injury or deprecation in value can be carried outside the jurisdiction of the State. legislation of a State prohibiting its sale, and to that extent only diminishing its value, presents a grave question. Under the fourteenth amendment, the further positive as-sertion of one of the Justices that such legislation is void under that amendment, and a still further intimation of the court in a later case that vested rights of property can not be desiroyed for the public good without compensation, it would seem a contemptuous disregard by a subordinate tribunal of the judgment of its superior for me to bold that the legislation of a State destroying the value by prohibiting the use of property which can not be moved, and in whose use the owner had, prior thereto, an absolute and unresistable title, is clearly not in couflict with that amendment and presents ab-solutely no question for the cognizance and

judgment of the Federal tribunals.
But I am not content to .cave this case upon these authoritative suggestions of the 17@17%e per dozen. Supreme Court. As a new matter, it is clear to me that there is a federal question giving the right of removal, and here I assert these propositions, first, debarring a man by exgives value to property. I assert, second) operty for public good without compensa-m. In the case of the State vs. Mugler, 29 Kansas, 252, this question was presented to choice, \$5.00. the Supreme Court of Kansas, and as a member of that court I then expressed this opin-I am aware that my brethren differed ing, \$3.75@4.00; hght, \$3.50@3.55. with me, and the court held that the State Constitution carried no such proposition. In view of that decision I shall have little to say in respect to the guarantees in the State Constitution. I may, however, be permitted to say, and I do it with the highest respect for the members of that court, and with the utmost deference to the its opinion and udgments, that in the light of the frequent discussions of the question, since that decision, and the more I have reflected thereon the more profoundly am I convinced that the guarantees of safety and protection to pri-vate property contained within our State Constitution, forbid that any man should thus be despotled of that which gives value to his property for the sake of the public

islative enactment may be had, what forms of procedure, judicial or otherwise, may be prescribed, there is no "due process of law," f the plain purpose and inevitable result is he spolation of private property for the benefit of the public, without compensation. It is a mistake to say that the forms of law alone constitute "due process." No complete and perfect definition of the parase 'due process" of law has yet been given. The most familiar, and the one for ordinary cases sufficiently accurate, is that given by Damiel Webster in the celebrated Dartmouth College case, the "law of the land" being substantially equivalent to "due process of

Fourthly-Legislation, which operates upon the defendants, as this does, in conflict with the fourteenth amendment and as to them is void, at least it presents a question, arising under such amendment, as to which they are entitled to. The opinion and judgment of the Federal Courts, as to the amount in controversy, is unquestionably in excess of \$500. The case is a removable one. In view of what has hitherto fallen from my pen in other cases it may be unnecessary to add anything further, yet to guard against any possible misapprehension, as well as to indicate that my views, as expressed upon other questions, had not changed, let me say that I do not in the least question the power of the State to absolutely prohibit the manufacture of beer, or doubt that such prohibi-tion is potential as against any one proposing in the future to engage in such manufacture. Any one thus engaging does so at his peril, and cannot invoke the protection of the fourteenth amendment, or demand the consideration and judgment of the Federal

Courts. All that I hold is, that property within the meaning of that amendment includes both the title and the right to use that. When the right to use in a given way is vested in a citizen it can not be taken from him for the public good without compensation. Beyond any doubt the State can prohibit the defendants from continuing their business of brewing, but before it can do so it must pay the value of the property destroyed.

Nothing that I have said in this opinion to to be taken as bearing on the question of the sale of beer or the power of the State over that. Counsel cisimed that the right to man-ufacture, without the right to sell, was a barren right. Whatever limitations may exist in this State, the markets of the world are open, and with such markets the right to manufacture is far from a barren right. In the course of the various arguments, that have been made to me in this State and the sister State of Iowa, on the question of re-movals to the Federal Courts of proceedings to enforce their prohibitory laws, it has more than once been intimated that jurisdiction meant the nullification of those laws. There could be no greater mistake. The Judges of these courts are citizens of these States, as interested as any citizen in the good name of their States, the enforcement of their laws and the sobriety of their citizens. Experience has shown that those courts enforce laws as strictly as any, are as little disposed to tolerate triffing or evasion of their orders and generally with a severer hand

If it should so happen, that, by the judg-ment of the Supreme Court of the United States, the ultimate tribunal in this Nation, it should be determized that in this or any kindred case, the zeal for temperance of the good people of the State has led them to in-fringe upon sacred and protected rights of property, I can not doubt that they will gladly hasten to make the compensation which shall be found just. Indeed, it is a truth ever to be borne in mind, and never more so State, were burning everything in their pathway and had killed several people. Similar reports were at the same time received from railroad officials at Wichita and Kingman.

years of age, and more than one half of them are under twenty-five. He suggests that authority of law be given to the suggests that they who are striving to lift so-ciety up to the plane of a higher and purer the new reformatory, as soon as work upon I immediately forwarded these dispatches it is far enough advanced, two or three hun-o General Augur, urging him to send every dred of the test disposed among the younger mend it is to the thoughtful consideration and judgment of the good people of my State, a State in whose past I glory, and in

Incendiarism.

TALDOSTO, GA., January 21 .- The Rocks, a point twenty-five miles northwest of this place, is in a state of excitement which is destitute children of the State. The marvelous growth of Kansas is reviewed, also the organization and equipment posses now searching the country for them. apt to result in the lynching of three inposses now searching the country for them. posed of excellent material and many of Last night the bridge across the Little River, William Ryal's gin house, a country school house, the dwelling of the miller in charge of Debarquine's mill, all clustered within a hundred yards of each other, were burned by fires which started simultaneously. Three men were just on the point of firing Debarquine's mill when he discovered them Executive Office, Topeka, Kan., January 19, applying the match to the kerosene which

bad been scattered over the floor.

ENDLESS TIME.

A Faint Idea of the Antiquity of the

Geological discoveries give us a faint and covered by a bed of sandstone or shale. From eighty to one hundred of total thickness of the coal measures is in no accumulation takes place at was yet a gallon left. the localities in question, and of total thickness of strata which will be imperfect knowledge. Sir Charles Lyell, the highest authority on the subject, is inclined to estimate the minimum of gemate appears excessive." But he points out that: "Long as is the record of geological time, it is only that of one short chapter in the volume of the history of the universe." - Demorest's Monthly.

## MARKET REPORTS.

Grain and Provisions.

FLOUR-Firm and unchanged; XXX, \$3.00 G3.15; family, \$3.25@3.35; extra, \$3.65@4.70; patents, \$4.90@5.30.

WHEAT-Irregular but higher: No. 2 red, cash, \$8%@90c; January, \$9%c; May, 93%@ COHN-Firm and higher: No. 2 mixed, cash, 33%c; January, 33%c; May, 37%C37%c. shad. OATS-Steady but dull; No. 2 mixed, cash. aw." 28 4c bid; May, 51%c.

KYE-Entirely neglected. BARLEY-No sales. PRODUCE-Butter, quiet and easy; cream-ry, 25%30c; dairy, 10@24c. Eggs, steady at PROVISIONS-Strong but quiet. Pork, firm at \$11.00@11.10. Lard, \$6.00@6.05. Bulk meats, loose lots, unchanged; long clear, \$5.40; short ribs, \$5.50; short clear, \$5.65. Boxed lots, long clear, 5.35; short ribs, \$5.40; short clear, press prohibition from the use of his property for the sake of the public, is a taking of private property for public uses. It is the power to use, and not the mere title, which power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the power to use, and not the mere title, which the property for public uses. It is the property for public hipping, \$4.80%5.25; common to medium. that natural equity, as well as constitutional \$3.90@4.50; butener steers, \$3.25@3.25; cows guarantee, forbids such a taking of private and he fers, \$2.25@3.50; stockers and feeders, \$3.00024.00. SHEEP-Active and firm at \$2.5024.75; Hoos-Active, strong and higher; butchers' and best heavy, \$4.1024.35; mixed pack-

> CRICAGO, January 23. FLOUR-Duil and easier: Southern winter wheat, \$4.404.55; Wisconsin, \$4.0064.65; Michigan, \$4.5004.55; soft spring wheat, \$3.70 (24.00; Minnesota bakers', \$3.5004.50; patent, \$4.65%5 08; low grades, \$2,0003.00: \$3,30(23.60; buckwheat flour, \$4,00(4.50. WEEAT-Higher; No. 2 spring, 80140

> CORN-Higher; cash, 364@36%c; January, 164@36%c; May, 4014%10%c. OATS-Steady and firm; cash,29@294c; May, RYE-Steady: No. 2, 57c.

BARLEY-Quiet: No. 2, 63@65c. PRODUCE-Butter, steady: creamery, 250 to his property for the sake of the public 33c; dairy, 16620c. Eggs, easy at 184610c good without first receiving compensation per dozen. for that which is taken from num.
[Judge Brewer quotes at length from suthorities to sustain these positions and then
[Judge Brewer quotes at length from suthorities to sustain these positions and then
[Judge Brewer quotes at length from su[Judge Brewer quotes at length from su-@11.00; January, \$10.804@11.00; May, \$11.15@ \$4.00@4.05; short rib sides, \$5.35@5.37%; short clear sides, \$5.7005.75. Whisky-Firm at \$1.16.

CATTLE-Steady: common, lower: shipping steers, \$3.5065.10; stockers and feeders, \$2.70 @4.10; cows, bulls and mixed, \$1.85@3.75; bulk SEEKP-Active and steady; natives, \$2.25@ 5.00; western, \$2.50@4.25; Texans, \$2.00@3.80; lambs, \$4,00055.70. Hous-Steady; rough and mixed, \$3.60@ .05: packing and shipping, \$4.05%4.40; light, dull at \$3.55@4.05; skips, \$2.50@3.45.

NEW YORK. January 23. FLOUR-Steady; state, \$2.1023.50; good to choice, \$2.0025.50; common to good extra Ohio, \$3.10@5.30; common to choice extra St. Louis, \$4,10925.40. WHEAT-Spot higher, options firm: No. 2 spring, 91c; ungraded red, 8014@8014c; No. 2 red, 1034c; No. 1. white, 9434c; No. 2 red, 393465034c; December, \$1.0161.025. CORS-Higher; ungraded, 45%5ie; No. 3, 814@484c; No. 2, 514@52c; old No. 2, 54c; No. 2, January, 5140651%c; May, 484049c. OATS-Higher but quiet; mixed western, 33238c; white mixed western, 33244c. PRODUCE-Butter, steady for fine grades; western, 12@36c; Elgin creamery, 34@35c. Eggs, Dull; western, 20000046 Provisions—Pork, fairly active and firm; mess \$10,50010.75; sugar cured, \$12.25. Cut meats active and firm; sales, pickled bellies, 540,54c; sales, shoulders, 44c; sales, hams,

c; middles dull; long clear, 5%c. Lard, dull; \$6.47%@6.50. CATTLE-Extremes for steers were \$4.35@ 4.60; dry cows, at \$3.50@4.00; exports, \$7.00; fat steers, \$4,90056.00. SHEEP-Steady: lambs, dull and easier: axtremes, \$4.00%5.30 for sheep, and \$5.50%5.00

Hogs-Dull and nominal at \$4.00@4.20.

KANSAS CITY, January 23. FLOUR-Dull. Sales: 1 car ckoice, on or-ers, at \$1.60. Quotations are for unestablished brands in car lots, per half barrel in sacks, as follows: XX, 95c; XXX, \$1.05@ i.15; family, \$1.25@1.35; choice, \$1.50@160; fanor, \$1.76@1.80; patent, \$2.10@2.25; rye, \$1.45 OL70. Buckwheat, per bbl., \$7.69. WHEAT-Steady; No. 2 red, cash, and January no bids 71c asked; Febuary, 70c bid, The asked: March. 12%c bid, 73%c asked: April.
The asked: March. 12%c bid, 73%c asked: April.
The bid, 75%c asked: May, 10 cars 77%c, 5 cars 77%c. No. 3 red, cash, and January, 50c bid, 53c asked: February, no bids 54%c asked: May, 58½c bid, 60½c asked. No. 2 soft, cash, 82c bid, 85c asked: January, 83c bid, 85c asked; February and March, no bids nor offerings: May, 90% c bid, 93% c asked. Conn-Strong; No. 2, cash, no bids nor offerings: January. 20%c bid, 30c asked: February, 15 cars 20%c; March and April, no bids nor offerings; May, 20%c bid, 32%c asked. No. 2 white, cash, and January, 31%c bid, 224c asked: February 10 cars 22c: March, no. bids nor offerings; May, 35c bid, 354c asked.
OATS-No. 2 cash, 27c bid, no offerings;
January 254c bid, no offerings; February,
274c bid, no oeffrings; May and Rejected, cash, no bids nor offerings. Rys-No. 2 cash, 45c bid, 49c asked; January and February no bids nor offerings. Rejected cash, no bids nor offerings. BUTTER-Creamery, scarce and wanted. Roll in fair demand from packers. We quote: Cremery fancy, 30c; good, 25c; fine darr, in single package lots, 20c; store packed, in single package lots, 100 Me; common, 1@5c; roll, 8@12c according to quality. Eggs-Receipts fair and market steady at lac per dozen fresh recandled. A large portion of the receipts consists of limed and eld stock, which will not bring more than 11012c per dozen. SEEDS—We quote: Flaxseed, \$1.00 per bu, on a basis of pure. Castor beas, \$1.500 ECATTLE-Active and strong; native shipping steers, \$4.00@4.35; cows, \$3.00@3.30; native butchers' steers, \$3.50@4.00. SHEEP-Steady at \$3.75. Hogs-Lower; packing, \$3.65@4.20; light,

Latest Market Reports. Kansas City, Jan. 23.—The following are the intest questions selegrapued from Chicago, New York and St. Louis:

CHICAGO. Open- High- Low- Clos- Yest, ing. close. 80 8744 864 864 3794 5774 41 44 3284 3294 6.50 10.90 11.25 80 894 794 7354 805 854 854 854 854 854 855 5754 5754 875 875 575 41 44 475 896 113 10.90 10.90 10.85 10.85 10.65 11.25 11.25 11.35 11.15 11.275 6.1734 6.174 6.15 6.1254 6.175 5.6256 5.524 5.30 5.30 5.35 Wheat-Feb. May. Closing other New York Chicago options. closed. St. Louis. Wheat—Jan. 1994 Wheat—Feb. 8994 Wheat—Feb 90 May 9994 Wheat—Feb . 2014 Corn—Feb. 3094 Corn—Feb. 3094 Corn—Feb. 3094 May 3794 May. 4794 May 3794

THE FIRST INSTANCE.

The Dramatic End of a Bomb-Proof and

Anti-Explosive Goat. A grocer up Michigan avenue has idea of the antiquity of this earth of had a pet goat hanging around his lowing important decision by Judge Brewer, ours. Mr. Laing takes the coal meas- back yard for the last two or three ures as giving the best idea of the enor- years. The animal was of no particumous intervals of time required for geo- lar use, except to eat up spoiled logical changes. These are made up of oranges, lemons and eggs, and to terseams of coal resting as a rule on a rify such small boys as came into the bed of clay known as the under-clay, alley to read dime novels or play marbles; but the grocer had a certain affection for him, and refused several offers these alternating layers have been found to let him go for cash. The other day the in South Wales and Nova Scotia. The grocer purchased a four-gallon jar of broken honey, and this was placed in some cases as much as 14,000 feet. Each the back end of the store. At noonseam means forest growth, gradual sub- time, when the only clerk was in the sidence covering with deposits, and this front, the goat softly entered by the is traceable over and over again. Tak- back way and went for the sweet. It ing an actual measure-thickness of 12,- was the first and finest honey he had 000 feet, Prof. Huxley calculates that ever tasted. For a long time he thought the time represented by the coal forma- he couldn't get enough of it, but as he tion alone would be 6,000,000 of years. gradually worked to the bottom of the Mr. Laing says: "But this takes no ac- jar he gradually filled up, and he count of the long periods during which backed off and cried quits when there

Some people are strangely affected the long phases which must have ensued by honey. So are some goats. It between each movement of elevation wasn't fifteen minutes before this chap and submergence, and especially be- began to roll his eyes and hump himself tween the disappearance of an old and in a curious fashion. His anties finally appearance of an almost entirely new crowded the back yard with visitors, epoch, with different forms of animal and a doctor who came with them venand vegetable life. We may be certain tured the opinion that it was a case of also that we are far from knowing the goat colic. For an hour or more Old Whiskers butted everything from an disclosed when the whole surface of the oyster can to a woodshed, and he earth comes to be explored. All we can turned eart-wheels and hand-springs say is that we have fragmentary pages until the boys were put to shame. They left in the geological record for, at the had him and dosed him, and they sent very least, 100,000,000 of years, and that all around to borrow a stomach pump. tection of the laws, is not violated by this ac. - probably the lost pages are quite as nu- but, as one of the crowd observed, "the tion of the state as respects them. As the merous as those of which we have an honey had become so identified with Judge of an inferior court, I turn naturally important honey leads a Six Charles Level his system" that he couldn't be saved his system" that he couldn't be saved. He plunged into a snow bank, kicked half a dozen old bottles across the yard ological time at 200,000,000 of years, and was dead-the first instance known and few geologists will say that his esti- in the history of Detroit where any earthly thing has been able to get the better of a goat. They have heretofore been supposed to be copper-bolted, bomb-proof and anti-explosive and to live forever. - Detroit Free Press.

## The Very Worst Kind.

The creature came in on a pair of flatboats and other rig to match. He stared with a stare that conveyed a sense of boredness and haughtinesssomething like that which the fisherman sees in the eyes of the departed shad. His speech was "aw-er-er-

Sympathetic old lady-Poor soul; is he a maniac? Conductor-Yes, the worst kind-an Anglomaniae. - The Judge.

In the Hospitals.

Baltimore and Philadelphia hospital physicians are prescribing the new proprietary | NOT a LIQUID or SMUFF. medicine, Red Star Cough Cure. It contains A few applications reneither morphia, opium, norany other inju Heve. A thorough treat HAY-FEV rious ingredients. The price is only 25 cent

FIREMEN, as well as other people, like to talk of their old flames. PIRE'S TOOTHACHE DROPS cure in 1 minute, 25c

Glenn's Sulphur Soap heals and beautifles, 25c. GERMAN CORN REMOVER kills Corns & Bunions. A snow-plow is like a bad habit-A

good thing to cut adrift .- Eoston Bulletin. For removing dandruff and promoting the growth of the hair, use Hall's Hair Renewer.

WHAT is a button?-A small event that is always coming off. Ir afflicted with Sore Eves use Dr. Isaac

Thompson's Eye Water Druggists sell it. 25c. A LAMB excuse-The apology of a onelegged man.

THE clothes cinavigation-A coat of ice -I'hilariciahia Cuil. Warr is that which is so brittle that if

you name it you are sure to break it! Si Tag only improvement made on the knife is the fork. - California Macerick.

A PHILOSOPHER says that the best way to avoid getting into debt is to die young -Loston Budget.

ALTHOUGH another year has passed it won't count in the ages of some women.-Philadelphia Herald.

This is the sort of weather when we should think Ulster County, N. Y., would feel comfortable. -- Burlington Free Press. "YES," said Fogg, in the street-car, " 'd

get up and give my seat to one of those ladies if sents weren't so plaguey scarce."-Boston Transcript. Teachen to class-Where is the alimen-

tary canal located? Boy on back sea—tI forget whether it is in Indianapolis or in NEVER speak unkindly of any one. There may be a time when you may want to bor row a dollar from your bitterest enemy .-

A STREET-CAR brings the baughtiest man down to a common level. Particularly if it starts suddenly before the haughty one has had time to pick out his seat .- Ful

River Herald. The more bat a man can buy for two dollars the less bonnet a woman can buy for

twenty, and yet some folks say this world was slung together in perfect harmony. St. Paul Heraid. BLACK-They tell me your wife is quite

whistler. White-She is; whistles most of the time. Black-And you allow it? Don't it annoy you! White-It don't annoy me. and, as for allowing it, I encourage her in it. Black-Why! White-Because a woman can't whistle and talk at the same time -Chicago Tribune.



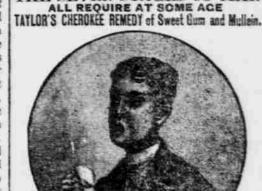
TIRED OUT!

For Weakuesa, Linasitude, Luck of Energy, etc., it HAN NO EQUAL, and is the only from medicine that is not injurious. It Enriches the Blood, Invigorates the System, Restores Appetite, Aids Digestion It does not blacken or injure the testh, cusa beadache or produce constipation—other from medicines do ache or produce constipation—other from medicines do Mns. R. M. White, Quindiro, Kan., says: "E used Brown's from Bitters for general debility. He effect was toning up the system, renewing hie and vigor of the blood, increasing the appetite and strengthening the digestive organs. I cheerfully recommend it."

Mns. A. P. Powers was S. 18th St. St.

MRS. Many A. R. Powers 229 S. 10th St., St. Louis, Mo., says: "I was backen down in health, had no appetite, and was always tired and drowsy. I have taken three bottles of Brown's Iron Effices, and lave been restored to health. I can recommend it highly."

Genuine has above Trade Mark and crossed red lines on wrapper. Take no other. Madagely by BROWN CHEMICAL CO., HALTIMORE, MD. THE SEVEN STAGES OF MAN



4TH STAGE-COUGHS.

gists at 25 cents and \$1.00 per bottle. WALTER A. TAYLOR, Atlanta, Ga.

CATARRH when applied into the nostrils, will be absorb 6d, effectually cleans ing the head of catarrhal virus, causing heal HAY FEVER 1 tathe membrane c nasal passages fro letely heals the sor and restores sense (

nent will cure. circular. ELY BROTHERS, Druggists, Owego, N. Y.

ACID 1600 Pounds TO A SQUARE INCH. TWO GOLD MEDALS.

RUSSIA CEMENT CO., Gloveester, Mass

inds have been successfully reared on Ridge's



ANDS in Minnesota, Dakota, Montana ogton and Oregon. The Best Agricul Frazing and Timber Lands now REE Add on, CHAS. B. LAMBORN, Land Commissioner, St. Paul, Minn. No Rope to Cut Off Horses' Manes. At Celebrated "ECLIPSE" HALT-ER and BRIDLE Combined,

can not be allpped by any horse. Sam-ple Halter to any part of the U.S. free, on receipt of \$1. Sold by all Saddlery, Hardware and Harness Dealers. Special discount to the Trade. 12 Send for Price List

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Book on treatment sent free. Address
F. L. POND, M.D., Aurora, Kane Co., Ill. Fine blooded critic, sheep, hogs, ponitry, does for sale. Catalogues with 150 engravings, free. N. P. BOYER & CO., Coatesville, Pa.

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